



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,098	11/03/2003	Julie Anne Loeger	224694	4412

23460 7590 10/27/2006

LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6780

EXAMINER

HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
----------	--------------

3691

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Reply Brief

The reply brief filed August 18, 2006 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

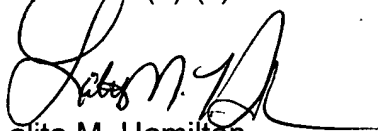
Responsive to the reply brief on August 18, 2006, a supplemental Examiner's Answer is set forth below:

The Appellant argues that the Examiner took Official Notice in the Examiner's Answer by stating that "it is well known to use a transfer mechanism that is standard across industry" in order to transfer awards between accounts and that there is no evidence that would support this statement. The Appellant argues that the Answer makes this assertion for the first time in the record, while providing no evidentiary support for it, thereby violating MPEP standards. Further, the Appellant argues that the Examiner did not cite a prior art reference for taking "official notice" and that the Examiner has not produced a case of prima facie obviousness. In response, in the Office Action mailed on August 11, 2005, the Examiner stated that Todd did not disclose a standard routing system and used Bucci as a teaching of a standard routing system. The rationale was that it would have been obvious to combine the teachings of Bucci with Todd in order to provide a means of transferring awards between accounts at various institutions. In the Answer mailed on June 20, 2006, the Examiner stated that it is well-known to use a transfer mechanism that is standard across industry, but stated, again, that Bucci was a teaching of a standard transfer mechanism and that it would

Art Unit: 3691

have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Bucci with Todd as a teaching of a standard routing system. The Examiner incorporated a secondary reference in her 103 rejection and provided motivation for combining the references, thus producing a prima facie case. As stated in the Answer, all the Appellant has done is identify differences between the Todd and Bucci references and asserted that they are antagonistic to each other without providing any real evidence. Mere assertion that it teaches away is not overcome by motivation to combine. The Appellant has not yet provided any real evidence.

Appellant may file another reply brief in compliance with 37 CFR 41.41 within two months of the date of mailing of this supplemental examiner's answer. Extensions of time under 37 CFR 1.136(a) are not applicable to this two month time period. See 37 CFR 41.43(b)-(c).



Lalita M. Hamilton

Primary Examiner, 3691